

WO

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,)	Mag. No. 08-0132M
Plaintiff,)	
vs.)	ORDER RE: EXTENDING TIME
Gerardo Peralta-Ortiz,)	TO INDICT
Defendant.)	
_____)	

HAVING considered Defendant's Motion to Extend Time to Indict and good cause having been shown;

THE COURT makes the following findings:

1. Counsel for defendant has only recently been appointed;
2. The defendant earnestly wishes to consider the plea offer extended by the government;
3. The defendant wishes to investigate possible defenses prior to considering the government's plea offer;
4. The government's plea offer, if accepted by the defendant and then the Court, would likely reduce defendant's exposure to a significant term of imprisonment;
5. If the defendant does not timely accept the plea offer prior to indictment, the government will withdraw said plea offer and any subsequent plea offer after indictment would likely be less advantageous to the defendant;

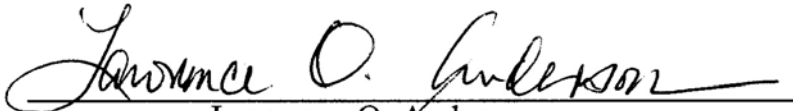
1 6. Failure to extend time for indictment in this instance would thus operate
2 to bar defendant from reviewing the government's plea offer in a
3 meaningful way prior to indictment; and

4 7. The ends of justice served by this continuance outweigh the best interest
5 of the public and the defendant in a speedy indictment.

6
7 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for
8 Indictment requesting an extension of thirty (30) days within the government may seek
9 to indict defendant, is hereby granted.

10 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C.
11 § 3161, the Government shall have an extension of thirty (30) days to file a timely
12 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period
13 of thirty (30) days in which the Government may present the case to the grand jury.

14 DATED this 5th day of May, 2008.

15
16 
17 Lawrence O. Anderson
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28